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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,422	05/04/2004	Diana C. Peterson	2240102220003	3421
26496	7590	01/12/2005		
GREENBERG & LIEBERMAN 314 PHILADELPHIA AVE. TAKOMA PARK, MD 20912			EXAMINER JOHNSON, JERROLD D	
			ART UNIT 3728	PAPER NUMBER

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/709,422	Applicant(s) PETERSON, DIANA C.	
	Examiner Jerrold Johnson	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Objections

Claim 6 is objected to because of the following informalities: There appears to be a need for the word "for" between "booth" and dispensing." Appropriate correction is recommended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ciociola, US Patent 4,662,519.

Ciociola discloses the claimed invention of an organizer comprising a simulated sidewalk base; and a simulated first building providing internal storage for items, in communication with said simulated sidewalk base.

Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Maloney, US Design Patent D310,395.

Maloney discloses the claimed invention of an organizer comprising a simulated sidewalk base; and a simulated first building providing internal storage for items, in communication with said simulated sidewalk base.

With respect to claim 4, Maloney discloses a trash receptacle in Figs. 2 and 3.

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With respect to claim 5, Maloney discloses a second building (the garage) that is suitable for the purpose of dispensing tissues. For example, a tissue box could be disposed on the deck of the garage roof.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Barlow, US Patent 3,589,724.

Barlow discloses the claimed invention of an organizer comprising a simulated sidewalk base 24 and a simulated first building 34 providing internal storage for items (ends of elements 36,38), in communication with said simulated sidewalk base.

With respect to claim 3, Barlow discloses a character holding an umbrella 74 suitable for holding toothbrushes, in communication with said simulated sidewalk. Note that the umbrella is used as a support surface for element 112. Also note cited, but not applied, reference 2003/0088933, in particular Fig. 5.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Kelly, US Patent 3,623,285.

Kelly discloses a simulated phone booth (note the phone supporting surface 72) supported on a simulated street base (the surface on which the disclosed telephone booth of the invention is disposed). The simulated phone booth includes a structure 62 that is suitable for dispensing liquid, such as coffee from a coffee maker. Note that the term "simulated" as construed does not impart any limitations on the claim.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Bossack, US Patent 3,178,060. Bossick discloses an organizer, comprising a

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base and at least one toiletry dispenser mounted on said base; wherein said base and said at least one dispenser form a thematic scene.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ciociola, in view of Lewis et al., US Design Patent D262,047.

Ciociola discloses the claimed limitations with the exception of a simulated bench providing flat storage, in communication with the simulated sidewalk.

Lewis discloses a simulated bench providing flat storage, in communication with a simulated sidewalk.

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the organizer of Ciociola, which is a doll house, with the inclusion of a simulated bench, such as is disclosed by Lewis, as simulated

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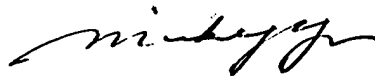
furniture are known to be inclusions with doll houses for enhancing the aesthetic qualities of the doll house.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jdj



Mickey Yu
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Group 3700